

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

2 EMUI L. CHOI (WVSBN 0722)  
3 Chief, Criminal Division

4 SUSAN KNIGHT (CSBN 209013)  
Assistant United States Attorney

5 150 Almaden Blvd., Suite 900  
6 San Jose, California 95113  
7 Telephone: (408) 535-5056  
8 FAX: (408) 535-5066  
Susan.Knight@usdoj.gov

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
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15 \*E-FILED - 8/24/05\*

16 Case No.: CR-05-00288-RMW  
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1 UNITED STATES OF AMERICA,

2 Plaintiff,

3 v.

4 MARIO PONCE,

5 Defendant.

No. CR 05-00288 RMW

ORDER EXCLUDING TIME  
FROM THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §§ 3161(h)(8)(A)  
& 3161(h)(8)(B)(iv))

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8 On August 8, 2005, the parties appeared before the Court for a status hearing. At the  
9 hearing, Assistant Federal Public Defender Lara Vinnard informed the Court that she is waiting  
10 to obtain a transcript of the defendant's guilty plea to a felony offense in state court. The  
11 defendant's conviction of that felony offense was the basis of his removal from the United States.  
12 AFPD Vinnard further explained that she needs time to review the transcript and consult with an  
13 immigration attorney regarding whether the defendant's immigration status could be restored  
14 based upon overturning his felony conviction. Therefore, the parties jointly requested that the  
15 case be continued until September 26, 2005 in order for AFPD Vinnard to obtain the transcript  
16 and consult an immigration attorney. In addition, the parties stipulated and agreed that an  
17 exclusion under Speedy Trial Act from August 8, 2005 to September 26, 2005 was appropriate  
18 based on the defendant's need for effective preparation of counsel.

19 SO STIPULATED.

KEVIN V. RYAN  
United States Attorney

20 DATED: \_\_\_\_\_

/s/  
SUSAN KNIGHT  
Assistant United States Attorney

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22 DATED: \_\_\_\_\_

/s/  
LARA VINNARD  
Assistant Federal Public Defender

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26 Accordingly, the Court HEREBY ORDERS that a status hearing be scheduled for  
27 September 26, 2005 at 9:00 a.m.

28 The Court FURTHER ORDERS that the time between August 8, 2005 and September 26,

2005 is excluded under the Speedy Trial Act. The Court finds that the failure to grant the requested continuance would deny the defendant effective preparation of counsel. The Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

IT IS SO ORDERED.

8/24/05

Dated

